

43-P

G. R. S. IX-5]

Previous references.

File No. 130-14

Serial Nos. 1-3

1914-15
(S. R.)

Later references.

Ex. 35-18, sls. 247

11 6-20 (3, 5, 16)

11 61-21-5

11 - do 13

Ex 37-41 141-4

GENERAL AND REVENUE SECRETARIAT.

Ex 6-41 (26, 38)

Serial Nos. 1-3

Part B for January 1919.

SUBJECT.

Decentralization of powers in the
Excise Dept.

To the Excise Commr., Comptroller and all Dy. Commrs.
No. 8231-40 dated 6-1-19.

Revises the rules regulating the
powers of officers in the Excise Dept.

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GENERAL AND REVENUE SECRETARIAT.

(S. R.)

NOTES.

File No. 130-14

FILE HEADING.

Powers of ~~Excise~~ Officers in the Excise Dept.

From

The Excise Commr. in Mysore

No. 8188

Dated 23/4/15

Received 24/4/15

Diary No. 443

Enclos. 1 Spare Copies. -

Serial No. 1.

BRIEF ABSTRACT OF LETTER.

Brings to the notice of Govt. certain discrepancy in with reference to patronage vested in the notified of 1902, in which the powers of a District Excise Officer and the Deputy Commissioner appear to overlap and suggests certain modification for orders.

NOTES AND ORDERS.

1. The G.O. on which the authority ~~is~~ for making appointments is based is that of 7th January 1902. According to this G.O. the Dy Commr has power to appoint Excise clerks in D- and Taluk Offices, and the Asst.

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Commds in charge of Excise Divisions (i.e. D^r Excise Officers as at present styled) have power to appoint Clerks up to Rs 20.

2. The Excise Comm^{rs} suggests two alternatives, viz. the Dy Comm^{rs} may be authorized to appoint Excise Clerks in D^r and Taluk Offices of and above Rs 20/-; or the powers of the D^r Excise Officers be limited to the appointment of Clerks up to Rs 15, and prefers the former as a better one.

3. The Scale of D^r Excise Office, Estab^t i.e. Clerks, is as follows:-

(27) 4 (30), 8 (25), 6 (20), + 9 (15)
Temporary 6 (15) / 1 (10).

Tk Office Estab^t - is as follows:-

Votummettsaddies -

3 (15-1-20); 65 (12-1-15) + Clerk (2).

8 pl Shroffs, (20), 2 (15), 2 (12) + 3 (10).

4. In these circumstances there appears to be some difficulty with regard to the exercise of patronage, as the ~~the~~ District and Taluk Establishments are constituted at present.

5. The wording of the notification of 1902 is exactly the same as that of the G.O. of 1901, which is based on the

D-4425

5

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strengthen for order in connection
with the decentralization scheme
4/7

441
7-7-16

Strong

6-7-16 5-7

.. 10 I have no objection?
24-10-16

D.11.0
26-10-1916

" Forwarded with compliments to A. H. H. H.
on 26/10/16 as above.

24/10/16
L. H. H. H.
Per Secretary.

P. H. H.
26/10/16
10/11

Immediate

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En: 2 files.

12 Referred unofficially to the Excise Commissioner in Mysore for favour of opinion at a very early date.

13 2. To facilitate disposal, an amended draft of Notification dated 7-1-1902, No. 11287/Ex. F. 3-1901 (pages 45-47, Vol. I, Excise Manual) is forwarded herewith.

14 3. The principles of the amended draft are:--

(a) The Government need not be troubled with references regarding Inspectors and clerks drawing above Rs. 100.

(b) The Excise Commissioner need not be troubled about the making of appointments in the District Excise Office.

(c) The Deputy Commissioner should have more powers of patronage in the Excise Department than at present

(d) The District Excise Officer need not be invested with the power of appointing &c., clerks in the District Excise Office. Four of them are of the Amildar's status.

15 4. The following criticism is made in regard to the Notification as it stands:--

(a) There are at present no Assistant Inspectors drawing more than Rs. 25/-; why then is a reference to such made in the Notification?

(b) The powers of appointment in regard to clerks

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in District Excise Office are now shared between the Excise Commissioner, Deputy Commissioner and District Excise Officer in a confusing manner.

(c) Excise clerks in Taluk Offices draw ^{from} Rs.12 to Rs.15 and from Rs.15 to 20 and will in future be appointed by the Sub Divisional Assistant Commissioner in accordance with the decentralization scheme in the Revenue Department now under consideration, if these clerks are regarded as part of the Revenue establishment. The necessary modification can be made when the final order is passed

(d) "Power to promote" is mentioned as a separate power whereas it seems to be merged in the "power to appoint".

16 5. To facilitate a clear comprehension of the Excise Commissioner's powers of patronage ^{under} the existing Notification, the same is put in the form of a table of 8 columns. If a similar analysis is applied in the case of Deputy Commissioners and District Excise Officers, the anomalies of the Notification will be brought out in a clear light.

17 6. The question of decentralization in the Excise Department in other respects is an important one and can be dealt with after this is disposed of. The Notifications on pages 41-50 of volume I, Excise Manual, require revision owing to changes in

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District Excise administration since 1902.

Further, these notifications do not refer to the
G.O. dated 15-6-1907 which laid down the position
of the District Excise Officer in relation to the
Deputy Commissioner.

U. G. Rep. No. 21828 ¹¹/₁₄₁₆
Encls. 2. Ples.

28/11/16
By J. J. J. J. J.

Recd 29. 11. 16
Ples.

D. No. 143.

U. G. Rep. No. 23071 ¹²/₁₆

While fully agreeing with the principles underlying
the proposed Draft Notification, it appears to me
that the classification made is one which may
not be quite convenient in actual practice. The
question of patronage is always a very delicate one,
and however careful ^{or cautious} one may be, it is extremely
difficult to avoid motives being attributed to such
makers. Further possibilities of overlapping in
practice will have to be guarded against. In the
light of my personal experience as the head of the
Excise Department for nearly three years now,
certain circumstances have come within my
knowledge and appreciable to me. I submit herewith
for the consideration of Govt. the text of a Draft
Notification on slightly modified lines. I am of
opinion that the basis of the classification made
in it are likely to be found more convenient in
actual practice. At any rate it might be tried

NOTE—Contn. sheet.

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tentatively should the lines on which it
is drawn up commend themselves to Govt.

¶ I must express my sincere thanks
for the chance afforded to me of expressing
my views in this matter once again.

Bangalore. 30.11.16.

P. Raghaviah Rao

To ²⁰ The Officer in Charge (10th Compartment)
1-12-1916

Draft

20/11/46

(1). Excise Commissioner.

(a) Power to appoint, transfer, punish, and grant leave to, Excise Inspectors of all ranks, including Probationary Inspectors, and all clerks in his own office and in the Central Distillery.

(N.B.- Officers of lower rank-whether ministerial or executive, in the Districts, may be transferred by the Excise Commissioner in consultation with the Deputy Commissioners concerned.)

(2). Deputy Commissioners.

Similar powers as in (1), a, above, in respect of Assistant Inspectors and Excise clerks in District and Taluk Offices, drawing a pay of, and above, Rs 20.

(3). District Excise Officers.

Similar powers in respect of Assistant Inspectors, Sub-Inspectors, and clerks in District and Taluk Offices, drawing a pay of ~~below~~ Rs 20, and menials of all classes.

P. Raghavadas

20

Bangalore 30. 11. 46

N. B.

20/11/46. It is very necessary that the Taluk Excise clerks, or Votumutendies, should be under the control of the District Excise officer, and the Revenue Sub-Divisional officer. Which is altogether an anomaly. Votumutendies are paid from the Excise Budget and they do Excise work and there is absolutely no reason or justification for their being under any other than the District officers Control. The present system of Votumutendies doing Excise work and being paid from Excise funds, without being under the control of District Excise officers, is an anomaly as well as an anachronism, and requires to be done away with. P. Raghavadas

20. 11. 46

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4 (.) There is disagreement between the Excise Commissioner and myself on two points

(a) Powers to be given to the Deputy Commissioner

(b) Powers to be given to the District Excise Officer.

(1) In view of the Excise Commissioner's opposition, I do not urge the grant of more powers to the Deputy Commissioner; but I must adhere to my previous opinion regarding the appointment of Excise clerks in the District and Taluk offices. Further the Excise Commissioner's draft cannot be adopted in its entirety; because there is no Excise clerk in the Taluk office drawing more than Rs.20. The power which it is proposed in the Excise Commissioner's draft to confer on the Deputy Commissioner viz., the power to appoint Excise clerks in Taluk Offices drawing more than Rs.20 is more illusory than real.

There are also objections to confer on the District Excise Officer the power to appoint the Vottumutsaddi in the Taluk Office.

The following extract from page 45 of the Budget Estimates for 1916-17 throws light on the pay of the officials referred to above.

" Establishment of Taluk Excise Offices.

Vottumutsaddis.	...	3 (15-1-20)
" "	...	65 (12-1-15)

NOTE—Contn. sheet.

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Clerks. 2 (12)

Special Shroffs.....(20), 2(15), 2(12), 3(10)

Perhaps the Excise Commissioner's draft may be approved after correcting therein the mistake pointed out above regarding the Deputy Commissioner's illusory power.

16 I enclose in a sealed cover a confidential
Memo. on certain extraordinary features presented
by these two files.

2/12/16

2nd Member.

22. This file was wrongly filed in
Drawer of the 2nd stand with the 57
As the SpL office is working under
my instruction the ref. was
unnecessary & has delayed this
for more than 3 months.

28. Please note the error.

1. The men should make no mention of their class in the office. They should carry those who come under rules recently issued

2. 2 Dist. up with 4. Car
a 1000 ft. up with 1000 ft. up
a head of office a 1000 ft. up

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Circular as before

D148 24-12-16

29 Please instruct as revised
Circular at this matter - re Decentralization
in the Dept

W

2-11

A with a preamble

30 To B^r II for issue of
amended draft. After this is

24.6.24

issued, the file may be
returned to me for draft
re decentralization in the
Ex. In. Dept

W 4/12/16

31 (Asst Secy) Please get a tidy copy of
the draft typed with preamble
W 5-12-16

32 A tidy draft is only accordingly for cross.

3-10-16
3/12/16. (New Secy)

W 8/12/16

345
9.12.16.

2¹ (Mater) 33 Drafts of E.O. & Notice for
final approval W 8/12/16

34 Please let me have a scale
of est. of 2 experts and 1 inspector
theadgn. Yr. Est. of the Ex. In. Dept.

35 (Asst Secy) Please expedite
Division W 10.12
W 11/12/16

D 4425914

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FR File No. 130 of 1914.

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No.

36 A statement of Inspectors,
Asst Inspectors & Head Quarter Office Estab.
(Excise Comrs' Office) is filed. The Excise
Office & Taluk Excise Establs are also
noted for information on a separate
sheet.

L57
15-12-16

37 The graduation list of the
Estab. of the Excise Department from
Rs 15/- corrected up to 1st January
1916 is ~~also~~ filed ^{by another connection and}
~~so it is not sub. with this file.~~
M. J. W. (2nd Member)
13/12/16. He 13/12/16

38 Dubt raised. Please carefully
check. see more & then bring
for approval of circulation
Y

The file was mislaid
It is now found and
submitted. The res-
-ponsibility for the
file having been
mislaid so long is
being considered -
separately"
M2
3-7-17.

D 4425

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39. The following points are submitted for consideration.

1. Power to transfer Inspectors of below class of Rs 40/- is vested in the Deputy Commissioner. If a transfer outside the District has to be made, the Deputy Commissioner must agree and there is no power to transfer vested in such cases in the Excise Commissioner. Whether it is not desirable that the Excise Commissioner should have some power in this matter is a point for consideration.

May be left at
it is. Relates only
to Insp^{rs} below 40/-

⑧ Same as art. 52 A
M. S. Regulations

2 The Notification No 520 of 23.1.1904 requires that all appointments carrying Salaries, fixed at, or above or progressing to or above Rs 100/- are subject to the approval of Govt. The revised Notification

Art 52 A of the
Service Regs
will govern this
case. No special
mention is necessary

must also contain this provision so far as the Head Accountant is concerned.

An addition
as shown in
pencil may be
made -

3. Clause (b) of (1) requires a slight alteration to provide for appointment of Assistant Inspectors Sub-Inspectors in the Districts.

ES
10/8

Subj)

10/8
14.8.17
ES

465
15-8-17

40 2nd member)

I called for a a tabular form showing relationship between head of Dept & by Council. & report from & punch holes

4425

(15)

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Each Branch has
been given and
extract of the
order. The
statements are
being prepared.

These are that paper
see the Dept. eg. Police. These
may be dealt with
at the same time

No objection
due

41 This may if the
kindly has no objection
be noted up in the General

16/8/17

To send copy)
16/8/17

& send copy see me
abt this.

42 U.S.O. and send see if this matter is not in with
what is pending before the Council. A note on
the procedure of dealing with the matters referred to
here is necessary

MR 319. 17.8.17.

GEN. & REV. SECRETARY
GENERAL
17 AUG. 1917

due
16/8

43 Received instructions from
the Gen Secy this day. He said that proposals
in respect of any of the depts referred to in
para 40 may be tabulated and added
on to the statement that has already been
prepared and proposals in respect of the
other Departments collected.

14/17/8/17

44 To Branch I for kindly putting up all the papers
on the subject.

21/28/8/17

MS 25 RM 190-17
R

16/8/17

143-16 put up
9.8.17
29.8.17
GEN. & REV. SECRETARY
GENERAL
29 AUG. 1917

ROUTINE NOTES.

[To be used only for notes, requisitions, etc., not intended for permanent record.]

Note of the Assistant Secretary,
Branch I. Mr M.S. Ramachandra Rao.

* The file in which the relation
of Dy Commr & Hds of Depts, was
dealt with and in which
statements prepared in the
prescribed form as per orders
of the Second Member were
put up.

45 " This file was submitted on
11/12/1917 in person to the Second
Member, who was pleased to say
each Assistant and Under
Secretary concerned may obtain
orders in respect of his depart-
ments separately.

46 Papers relating to the Revenue
Forest and Survey departments
may accordingly be kindly
separated and sent to me.

(20) M. S. R.

47
To Branches I, II & III etc for
kindly taking note of the Second
Member's orders and for retaining
for further action the statements
relating to the departments dealt
with by them and returning
their file to Mr V.

157/412
N.B.—Should routine notes be written on small slips,
the notes must be copied, or slips pasted on this form.

ROUTINE NOTES.

[To be used only for notes, requisitions, etc., not intended for permanent record.]

Solved for orders

2. This file has been returned
to this section for consideration.

The notes already put up contain
the information on the questions
raised. In statements are also
first containing certain
points to be noted in con-
nection with the proposed
Draft. [The collection in which
the Mysore & Dy. Comd.
representations were
ordered upon is subd.
another communication
from Br III]

M. M.

7/1/18

Please see me in person.
I shall explain what is required.

By the only change in the
existing rules regarding powers
of officers in the Excise Dept.
that is necessary for remov-
ing defects in the existing rules is
the one relating to the appoint-
ment of clerks in st. Excise
offices who draw a pay above Rs 2
but less than Rs 40. According to
Notification No: 11287

N.B.—Should routine notes be written on small slips,
the notes must be copied, or slips pasted on this form.

ROUTINE NOTES.

[To be used only for notes, requisitions, etc., not intended for permanent record.]

603 614 (3) 4

1. No. 8368-77 dated
Ex. 8. 324
9-3-98

D 1. No. 8368-77 dated
Ex. 8. 324
9-3-98

E 2. No. 6362-71 dated
Ex. 7. 1147
20-2-01

dated 7th Jan'y, 1901, quoted
on page 115 of the Excise
Manual, vol. 1. The Excise
Comm. has power to appoint
clerks drawing a pay exceeding
Rs 20 in "Asst. Excise Com-
missioner's offices". But the
office establishments of Asst.
Excise Commissioners (now
known as D. & C.'s) form
part of the Dy. Commissioner
office establishments. It
according to the marginally
G.O.'s the power to appoint
clerks drawing a pay above
Rs 20 but not exceeding
Rs 40 vests with the Dy. Comm.
the notification of the 7th
January 1901 referred to
above has to be amended.
Beyond this no other alteration
in the as regards powers of
officers in the Excise dept.
is necessary for removing
anomalies in the existing
rules.

Subd.

GRSM. SL. 469.

19-3-18

N.B.—Should routine notes be written on small slips,
the notes must be copied, or slips pasted on this form.

13/5/18

ROUTINE NOTES.

[To be used only for notes, requisitions, etc., not intended for permanent record.]

Recd. the file only this day though it is noted by the case worker as having been submitted on 19.3.18. It is not known when this file was pending during these 4 months.

As regards the question of decentralisation of powers relating to appointments in the Excise Dept., the question has been fully discussed in the file, and a draft order, with corrections made by 2nd Member is in the file -

A typed tabulated statement showing the relationship between the D.C. & the Excise Commr, as asked for in the Commr of Stamps is put up in the file as directed by the member in para 40 of the notes.

A reconsideration of the rough draft already in the file with in view of the D.O. received from the Excise Commr on 15.9.17 is a matter for order.

Rev Secy

1st Member

N.B. - Should routine notes be written on small slips, the notes must be copied, or slips pasted on this form.

176.
12.8.18

5-11

GRSM. SL.469.

in being with the file

1. re. C.F. & for notes
2. only heads 4 & 4b

The case was submitted to the Asst. Secretary on 19-3-18. But as Branch VIII required it, it was sent to that Branch on 13-5-18. It was returned by Branch VIII on 12-6-18. As Mr. G. Srinivasa Iyer was then on leave it was had to lie over till his return. Shortly after his return the S.R. section was transferred to Mr. B. V. Krishna Rao, Asst. Secy. Subd.

6-7-18

343
26.7.18

13.7.18

This has been submitted to Mr. Ramani as to whether to be sent.

26/7/18

This may be brought up

13.6.18

Routine Notes.

[To be used only for notes, requisitions, etc., not intended for permanent record.]

Please consult Mr. Madhava Rao, if necessary, & explain to member -

14/8/18

Sub. d

55. It is not clear whether the direction "to bring up in person" this file is intended for the Rev Secy, or to Asst Secy L. D. section or simply self.

56. The file re C 7, D 70's D. Co is before the Dewan.

57. I remember right Mr. Madhava Rao is working up the question as regards other Deptts. This fact may if app^d be verified by ref^d to him.

Rev secy)

Am
13/8/18

Please study all
(1) Outstanding question
(2) Decentralization

2) Please put up a draft order brought up to date

3) C. W. note - 3rd July
His responsibility been

N.B. - Should routine notes be written on small slips, the notes must be copied, or slips pasted on this form.

The file was submitted
to the 2nd Member in person
to-day. His orders were.

- (1) Each Branch may work
up and submit the Case
as regards Deptts: with which
it is concerned separately
- (2) As regards This Case.
 - (i) The file may be studied
from the beginning, and a
list drawn up of all outstanding
questions and points for orders.
 - (ii) The draft order approved
by the Member some 7 months
ago. may be brought-up-to-
date, and a clear-typed
copy put up.
 - (iii) What action was taken
to fix responsibility for the
mislaying of the file (Case-
worker's note dated 3rd July 18.)
may be reported.
 - (iv) These instructions may be

Subd

The draft subcp
in the file requires no
alteration in so far as
orders have been passed
till now in the file

No orders however
have been ^{yet} passed as
regard the observations
made in the remarks
column of the Statement
After orders are obtained
in respect to these points
also, the draft will
have to be revised
accordingly and
typed subsequently

In this connection

It is Subd that in
another file the delegation
of ^{higher} powers to Dy Comm
& Dy Comm and Dy Comm
regarding remission of
unrecoverable arrears
has been raised separately

31-8-18

ROUTINE NOTES.

[To be used only for notes, requisitions, etc., not intended for permanent record.]

Communicated to
Mr Kesava Deyar

59 Forwarded with Compliments

Mr Kesava Deyar)

MSR

27/8/18

Mr Manki Rao

Please note instructions and
bring up for personal discussion.

MSR
26/8/18

N.B.—Should routine notes be written on small slips,
the notes must be copied or slips pasted on this form.

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S.R. File No. 130 of 1914

	Serial No.	
Flag #		61. + typed draft as approved by the 2nd member is put up, with an addition in ink, sub. to orders, regarding the enhanced powers of remission of irreconcilable Excise arrears raised in the linked file. Ex-35 of 18. Orders are required on the changes proposed and remarks in the statements put up already as per 2nd member's directions, such as making the scale of post inspectors provincial, conferring the power to promote post inspectors to the 18th grade only on the Excise comm. providing for transfers of inspectors from one St. to another and for transfers of clerks from and to the Head office and from one St. to another St. After orders are passed on the above the draft will have to be suitably modified and added to.
Flag 2. vade blue pencil marked portion		Subd. for orders as personally directed. 3/12/18
		D.T.O.

614.

(24)

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62 Statement (E) contains a summary of the existing practice and the questions arising therefrom with reference to decentralisation of powers. A draft order which had been put up previously and scrutinised also by the Member has been examined again with reference to subsequent instructions. A revised draft bringing the matter up-to-date has also been placed in the file (Flag A). This draft does not take into account the questions raised in the statement (Flag E) marked A. in blue pencil. Kind reference is invited to Excise Commissioner's D.O. letter dated 30th September 1917 in which he has given certain reasons for reserving to himself the power to promote assistant inspectors from the 2nd to the 1st grade. In view of the fact that the number of first grade assistant inspectors for the whole state is only 5, the Excise Commissioner's reservation seems to be justified in order to avoid inequalities of promotions to the Inspector's grades. If the proposal is accepted all that need be done is to treat this ^{point} ~~matter~~ as an exception to the ^{other} general powers delegated to the Deputy Commissioners.

63 Note has been made in the statement itself as regards the extent to which further decentralization has been proposed and may be given effect to (Submitted for orders)

NOTE—Contn. sheet.

2nd Member)

MK
8-1032
10.18

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63

No further change seen

called for at present

60

10 10

O.T.O

6/14

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No.

Asst. Secy, to
Excise, kindly
kindly speak
to me

64.

Draft app'd by the Second Member

10/10/18

10/10/18

Submitted the file to the
Rev Secy obtained with

MX

13/11/18

65. Submitted the file to the 2nd Member as directed
by the Rev Secy for instructions as regards the
marginal additions in the draft. The
Second Member approves of the marginal
additions & directs that they may stand.
~~Rev Secy~~

Rev Secy)

66. May, if app'd, be considered in Council

(Sewan)

MX
16.11.18

MX
22.11.18

2738
23.11.18

67. Probationary Inspectors also may be
appointed by the Excise Commissioner. The
draft order may be suitably revised and re-
turned for submission after circulation.

8.12.18

68. Submitted with a ^{typed} draft
amended in accordance with the
orders in para 67 of the notes.

11-12-18
Rev Secy)

MX
14/12/18

2358

G. R. S. III-2]

General and Revenue
Secretariat.

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2423-73 17.12.18		2nd member) I agree to the draft. 16.12.18 proposals. But I may observe that if under the proposed re-organisation of the Dept. takes place, this order will require to be modified to suit altered conditions. This point should not be lost sight of. It is true personal fratification to me to see that proposals wh. I submitted to the Govt. as Excise Commr. so far back as in 1915 have received favourable consideration now. Recd 19.12.18 And say for favour of D. S. N. 20.12.18 D. S. N. Submitted 21.12.18 Revised) 22.12.18 Deewan) 23.12.18
3436 23.12.18	Pages 2 & 3 revised - to be replied to kept. 23	

NOTE—Contn. sheet.

Submitted to His Highness.

R.

Z.

The Excise Commissioner brought to the notice of Government, in his letter No.8188 dated 23rd April 1915, certain discrepancies and over-lapping of functions with reference to the patronage exercised by the District Officers -- both Deputy Commissioners and District Excise Officers -- under Government Notification dated 7th January 1902. According to this Notification the Deputy Commissioners have power to appoint Excise clerks in District and Taluk offices, and the District Excise Officers have power to appoint clerks up to Rs.20. As no limit of pay as regards the exercise of patronage by the Deputy Commissioners had been fixed with reference to appointments made in the District Offices, and as District Excise Officers were not prevented from exercising their patronage up to a limit of Rs.20 in the pay of official difficulties sometimes arose in the simultaneous exercise of the respective privileges by the two classes of the officers concerned.

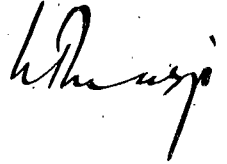
A revision of the Order was therefore found necessary and opportunity was also taken, in this connection, to define clearly the powers of patronage, &c., of the several classes of officers in the Department, in conformity with the existing orders and with due regard to departmental efficiency and control.

Paper under disposal.

Again, the Excise Commissioner suggested certain decentralization of powers in the matter of sanctioning remissions of definitely ascertained irrecoverable items of Excise Revenue, so as to enable him to exercise enhanced powers and empower Deputy Commissioners also to sanction remissions in such cases. This has been accepted.

Eg.

The draft order in the file, which sets out all the points clearly has been agreed to by the Members of Council. It may be graciously approved.



26.12.18

2358

29

Record of Cases submitted for the Orders
of His Highness the Maharaja.

Subject.



Powers of officers in the Excise
Department and decentralization therein.

735

Order.

KRUP

27/12/18

Rev. Secy *U*

25/12

for Secy *OB*

U

2358

G. R. S. III-2]

General and Revenue
Secretariat.

S.R. File No. 130 of 1914

Serial No.	
2	To the Excise Commr. Comptroller All Dy. Commr. No. 8231-40 dated 6-1-19 Passes orders revising the powers of the Excise Commr., Dy. Commr. and D.E.G.'s re appoint- ments, promotions, transfers, etc., of subordinate officials in the Excise dept.
3	To the Compiler Mysore Gazette. No. 8241 dated 6-1-19. Notifies the revision of the rules regulating the powers of the officers referred to in Serial 2. The file has to be sent to the circulation to the members of Council for perusal of His Highness' orders. Subd. ~~8-1-19~~ Submitted 2 nd member } Temporary member } Seen Filed 11.1.19 14.1.19

2902-225
10-1-19

2619
13-1-19

NOTE—Contn. sheet.

Q
14.1.19

Officers	By whom appointed.	By whom dismissed.	By whom reduced.	By whom suspended.	By whom fined.	By whom leave may be granted.	By whom transferred.
1	2	3	4	5	6	7	8
(a) Inspectors up to Rs.100.	Excise Commissioner.	Excise Commissioner.	Excise Commissioner.	Excise Commissioner.	Excise Commissioner.	Excise Commissioner.	Excise Commissioner.
(b) Inspectors on pay above Rs.100.	Excise Commissioner subject to Government's approval.	As in Col.2	As in Col.2.	As in Col.2.	Excise Commissioner.	Excise Commissioner.	Excise Commissioner.
(c) Clerks and Accountants in Excise Commissioner's office up to Rs.100.	Excise Commissioner.	Excise Commissioner.	Excise Commissioner.	Excise Commissioner.	Excise Commissioner.	Excise Commissioner.	Excise Commissioner.
(d) Clerks & C. on pay above Rs.100.	Excise Commissioner subject to Government's approval.	As in Col.2	As in Col.2.	As in Col.2.	Excise Commissioner.	Excise Commissioner.	Excise Commissioner.
(e) Clerks in Assistant Excise Commissioner's Office <i>drawing above Rs.200/-</i>	Excise Commissioner.						

RELATION BETWEEN DEPUTY COMMISSIONERS AND EXCISE COMMISSIONER.

Head of Department	Present practice.	Difficulties if any.	Changes proposed.
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Excise Commissioner. Section 4 (g).
(a) Patronage.

(1) To appoint, promote, transfer and grant leave to Inspectors of all classes (appointment only up to Rs.100/-).

(2) Appoint, promote and transfer clerks in his own office up to Rs.100 and those in the Central Distillery above Rs.30/-.

(3) Punishment. Full powers in respect of all these.

(4) Full powers to transfer Assistant Inspectors and clerks from one District to another.

Deputy Commissioner.

1. Power to appoint, promote, and transfer Assistant Inspectors of all grades and Excise Clerks in the District and Taluk offices.

2. Full powers in respect of Assistant Inspectors of all grades.

3. Power to approve of appointments, promotions punishment, transfers and grant of leave recommended by the District Excise Officer.

(Appellate authority over the decisions of the Deputy Commissioner vest with Government unless otherwise delegated to the Excise Commissioner under the rules under the Regulation.)

Whether the Deputy Commissioner can appoint all clerks in the District and Taluk offices or only those drawing above Rs.20/-, Those below being appointed by the District Excise Officers.

The scale of Assistant Inspectors be made provincial and the Excise Commissioner only be empowered to promote Assistant Inspectors to the 1st grade.

2. Deputy Commissioner to appoint -

(a) Inspectors on Rs. 100 and less,

(b) Excise clerks at Rs.20 in the District Excise Office.

(The appointments of the Excise clerks and staffs in the Taluk Office to be made by the Revenue Department)

(b) Other powers under the Regulation.

Under Section 4 (a).

Excise Commissioner to exercise all the powers of a Deputy Commissioner in respect of Excise revenue, and to have the general control of the administration of the Excise Department, and of the collection of excise revenue.

Deputy Commissioners are primarily responsible for the administration of the District, with the District Excise officers as their Assistants in the Excise Department.

District Excise Officer exercises all the powers of a Deputy Commissioner concurrently with the District Deputy Commissioner and subject to his control in the first instance and ultimately of the Excise Commissioner. Only in very routine matters this officer may correspond directly with the Excise Commissioner.

Other powers delegated.

1. Remissions and refunds.

The Excise Commissioner has got power to sanction refunds and remissions of Excise revenue to a certain limit on the recommendation of the Deputy Commissioner and in cases beyond that limit sanction of Government has to be obtained.

in P.O.

No change appears to be necessary & no proposal has been made.

Proposal has been received from the Excise Commissioner to invest Deputy Commissioner with powers of remission of irrecoverable arrears of Excise Revenue up to Rs.50 in each case and to call for higher powers on him in such case (vide Linked file No. 359/18). The powers up to Rs.50 on Deputy Commissioner and up to Rs.100 on the Excise Commissioner may be granted.

24/4
no 8/88

Very

OFFICE OF THE EXCISE COMMISSIONER IN MYSORE.

Bangalore, dated 22nd April 1915.

13141015
File No 130-14
22nd April 1915
28-4-15

FROM

P. Raghavendra Rao, Esq., B.A., B.L.,
Excise Commissioner in Mysore.

To

D.M. Narasinga Rao, Esq., B.A., B.L.,
Offg: Secretary to the Government of
His Highness the Maharaja of Mysore,
General and Revenue Departments.

Sir,

In forwarding herewith, for information and orders of Government, copy of letter No. 1778, dated 15-3-'15, from the Deputy Commissioner, Chitaldrug District, I have the honor to state that, after a careful study of the terms of the Notification referred to in the Deputy Commissioner's letter, it seems to me that in order to avoid friction in matters of patronage, there should be reciprocity and a feeling of give and take. Viewed in this light, I am of opinion, that it is best for the higher officer to begin to exercise his powers, where those of the lower officer end. Unfortunately as the Notification stands, there is an overlapping of powers and this is what has led to the present reference. If with reference to Deputy Commissioners, the wording is amplified further and made to read "Excise clerks in District and Taluk Offices of above Rs 20/-", or, with reference to District Excise Officers, the figure is altered from Rs 20/- to Rs 15/- as regards Assistant Inspectors and clerks, it will set the matter right. Of the two alternatives, I prefer the former as the better one.

I have the honor to be,
Sir,
Your most obedient servant,

P. Raghavendra Rao
22. 4. 15
Excise Commissioner.

AR

MAS.

Letter No. 1778, dated 13/15th March 1915, from the Deputy Commissioner, Chitaldrug District, to the Excise Commissioner in Mysore.

I have the honor to request your ruling on the following points:-

2. Under Notification dated 7-1-1902, No. 11287/Ex.F.3-1901 (45-47 of Volume I, Excise Manual), the Deputy Commissioners of Districts are authorised to appoint etc., Assistant inspectors and above Rs 20/- and Excise clerks in District and Taluk Office

3. Again Assistant Commissioners in charge of Excise Division (now District Excise Officers) are authorised to appoint Assistant inspectors on Rs 15/- and clerks up to Rs 20/-. I beg to be informed if the Deputy Commissioner can under the former provision appoint all clerks in District and Taluk Offices or can appoint only clerks drawing above Rs 20/-. The District Excise Assistant Commissioner claims that he can under the aforesaid notification appoint the Deputy Clerk of the District Excise Office drawing pay of Rs 20/- and hence this reference. The Notification does not limit the pay of the clerks who are to be appointed by the Deputy Commissioner in District and Taluk Offices.

" Copy "

Reel
22.4.15
Excise Commissioner.

A.R.

EXCISE COMMISSIONER,
I. G. OF REGISTRATION,
COMMISSIONER OF STAMPS,
& REGISTRAR OF JOINT STOCK COMPANIES
IN MYSORE.

NO. 5.

2614

Subs - for permit.
The case will be
put up with the
standing G.O's etc.
15-7-17

Sends Memo

There send it

the file, in the

there is a

draft - under

being 17

Bangalore

13.9.17

My dear Ramaswamanga,

I am writing to you informally now
in the matter of the anomalous position which
exists as regards the appointment of Excise
Assistant Inspectors. Under the terms of Govt
Notification No 11289 - Ex. 7 3-1901. of 7. 1. 1902, Para
I, sub para (2) the Excise Commissioners have
powers of transfer only over Assistant Inspectors
of all grades while the Deputy Commissioners have
power to appoint and to provide Assistant Inspectors
within their districts. Vide I a of the above Notification.
But, as a matter of fact, the case of Assistant
Inspectors is more a provincial than a district one
while the number of First grade Assistant Inspectors
is limited to five only! It stands therefore

which is under the direct control of the Excise
Commissioners. ~~Members holding~~ these appointments
have no prospects of promotion in their own branch
Executive for, to get it they must go into the District
Now this is unwelcome to the big Comms and when
any attempt is made by the Excise Commr. even when
a suitable or justifiable opportunity for it occurs it is
resisted by them. This also, is a position which requires
modification. I may however add for your information
on the point - that in the past the practice was for
the Excise Commr. to order their himself leaving
it to the big Comms. to make a protest. "if they wished
to make one! It cannot. I think he said that this was
quite the right state of affairs. In connection with
this I have already placed Govt. in possession of my
views in response to a reference from the Special Officer
on the centralisation scheme, and in connection also
with the scheme for the organisation of the department
which I have now in hand, proposals for the solution of this problem.

Proceedings of the Government of H.H.
the Maharaja of Mysore.

to be printed

R e a d :--

Letter No.8188 dated the 22nd April 1915, from the Excise Commissioner in Mysore, stating that according to Notification No.11287/Ex.F.3-1901 dated the 7th January 1902, there is overlapping of powers in regard to the appointment of the subordinates in the Excise Department and recommending certain modifications therein.

(2) Letter No.Dt.C.946-17 dated 14th August 1918, from the same Officer, suggesting that Deputy Commissioners may be delegated the power of sanctioning remissions of definitely ascertained irrecoverable items of Excise Revenue upto Rs.50/- in each case and that enhanced powers in such cases of remissions upto Rs.500/- may be conferred on him (Excise Commissioner) instead of upto Rs.50/- sanctioned in Government Order No.Fl.3109-18/S.R.227-09-6 dated 4th January 1910.

- May this be
- i Printed?
 - ii treated as a standing order?
 - iii published in the Gazette English part?
 - iv translated?
 - v placed at the disposal of the press
 - vi published in the Gazette Kannada part?

Order No. *SR 13044-2*
Dated Bangalore, the *6.1.19* December 1918.

In modification of the provisions contained in the Notification referred to above, Government are pleased to revise the powers of the Excise Commissioner, the Deputy Commissioners of Districts and

District Excise Officers regarding the appointment, promotion, transfers, etc. of subordinate officers of the Excise Department as follows:--

(1) Powers to be exercised by the Excise Commissioner.

- (a) Power to appoint, transfer and grant leave to all Inspectors and Probationary Inspectors and to promote Assistant Inspectors from the 2nd to the 1st Grade. The appointment of Inspectors on pay of Rs.100/- and above will be subject to approval of Government.
- (b) Power to appoint and transfer ministerial and menial establishment in his own office and in the Central Distillery including the executive establishment in the latter. ~~up to Rs.100/-.~~
- (c) In regard to punishments full powers in respect of all the above officials.

(2) To the Deputy Commissioners of - - - Districts.

- (a) Power to appoint, transfer and grant leave, etc., to Assistant Inspectors of and above Rs.20/- except the promotion of Assistant Inspectors from the 2nd to the 1st Grade.
- (b) In regard to punishments full powers in respect of all the above officials.
- (c) Power to appoint ministerial officers above Rs.20/- in the District Excise Offices.

(3) To the District Excise Officers.

- (a) Power to appoint ^{and} Sub Inspectors and menial servants ~~and to appoint Assistant Inspectors on Rs.15/-~~
- (b) Power to transfer Assistant Inspectors on Rs.15/- Sub Inspectors and menial servants, but when they are to be transferred from one District to another, the approval of the Deputy Commissioners of Districts concerned should be obtained.

- c) In regard to punishments, power to fine up to Rs.5/- and to award black marks up to Assistant Inspectors of all grades, to degrade and suspend Assistant Inspectors on Rs.15/- and full powers in the case of Sub-Inspectors and menial servants.
- d) Power to appoint Clerks up to Rs.20 and menial of all classes in District Excise Office Establishments.

2. Government further direct, in modification of the Government Order of 4th January 1910, that Deputy Commissioners may sanction remissions of irrecoverable items of Excise Revenue upto Rs.50/- in each case and the Excise Commissioner may sanction such remissions upto Rs.200/- in each case. Quarterly statements of refunds sanctioned by the Excise Commissioner under the Government Order of 4th January 1910 should be continued to be submitted to Government, and similar statements of remissions sanctioned under the present Government Order should also be submitted to Government for information.

3. A Notification embodying the above modifications will be published in the Gazette.

to be printed

MC
14/12/18
Secretary to Government,
Revenue Department.

To

22/12/18
The Excise Commissioner in Mysore,
The Comptroller to Government,
The Deputy Commissioners of Districts.

8201/
SR 130-14-3

NOTIFICATION.

96/1/19

2

Under Section 4 (g) of the Mysore Excise Regulation V of 1901 as amended from time to time and in supersession of clauses numbered I under Excise Commissioner, Deputy Commissioners of Districts and District Excise Officers in Notification No. 11287/Ex.F.3-1901 dated 7th January 1902, the Government of His Highness the Maharaja of Mysore are pleased to delegate the following powers to these officers:-

(Here enter (1), (2) and (3) in paragraph 1 of the Government order -- proposed).

By order,

AK 8/12/16

Offg. Secretary to Government

4 Revenue Department.

To

The Compiler, Mysore Gazette, for

publication in Part III thereof.

*with the request to supply
25 copies of the Notifica-
tion to the Secretariat and
225 copies to the Excise
Commr.*

GKV.